

1 Todd R. G. Hill
2 119 Vine Street
3 Belton, TX 76513
4 +1 [661] 899-8899
5 toddryangregoryhill@gmail.com
6 *In Propria Persona*

FILED
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2/11/2025
CENTRAL DISTRICT OF CALIFORNIA
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7 **UNITED STATES DISTRICT COURT FOR
8 THE CENTRAL DISTRICT OF CALIFORNIA**

9 **WESTERN DIVISION**

10 **TODD R. G. HILL, et al.,**

11 **Plaintiffs**

12 **vs.**

13 **THE BOARD OF DIRECTORS,**
14 **OFFICERS AND AGENTS AND**
15 **INDIVIDUALS OF THE PEOPLES**
16 **COLLEGE OF LAW, et al.,**

17 **Defendants.**

18 **CIVIL ACTION NO. 2:23-cv-01298-CV-BFM**

19 **The Hon. Cynthia Valenzuela**
20 **Courtroom 5D, 5th Floor**

21 **Magistrate Judge Brianna Fuller Mircheff**
22 **Courtroom 780, 7th Floor**

23 **PLAINTIFF'S NOTICE OF MOTION AND
24 MOTION FOR GRANTING PREVIOUSLY
25 FILED REQUEST FOR JUDICIAL NOTICE
AND SUPPLEMENTATION OF THE
RECORD UNDER FRE 201 (DOCKET 199);
MEMORANDUM OF POINTS AND
AUTHORITIES.**

NO ORAL ARGUMENT REQUESTED

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15 **Rules**

16 Fed.R.Evid. 201(b).....	5, 6
17 Fed.R.Evid. 201(c)(2)	6
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TO THE HONORABLE COURT AND ALL PARTIES:

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Plaintiff Todd R. G. Hill, appearing pro se, will move this

Court for an order granting Plaintiff's Request for Judicial Notice and Supplementation of the Record (Docket 199), as the Defendants have failed to file viable, or any, opposition. This motion is made pursuant to Federal Rule of Evidence 201(b) and Local Rule 7-12, asserting that the unopposed nature of Docket 199 merits granting the relief sought.

Given the Defendants' failure to oppose this motion and the implications of their non-action as tacit consent to the relief requested, Plaintiff respectfully urges the Court to:

1. Grant the Request for Judicial Notice (Docket 199) in full, as it stands essentially unopposed.
2. Confirm the judicially noticed facts, including the records contained therein, thereby streamlining the resolution of this matter in favor of judicial efficiency.
3. Issue any other relief deemed just and appropriate by the Court to curtail further procedural misconduct by Defendants and to prevent future procedural abuses in this action.

This motion is based on the attached Memorandum of Points and Authorities, the pleadings and papers on file in this action, and the provisions of the Federal Rules of Evidence and the Local Rules of this Court.

PLEASE TAKE FURTHER NOTICE that, in the interest of judicial efficiency and given the clarity of the issues presented in the attached Memorandum of Points and Authorities, Plaintiff

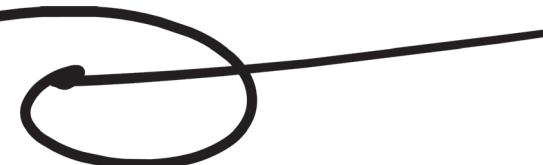
1 respectfully requests that the Court decide this motion on the papers without oral argument.
2

3 However, should the Court deem it beneficial, Plaintiff is prepared to appear and argue this
4 motion at a hearing scheduled at the Court's convenience.
5

6 Your prompt attention to this matter is appreciated, and your failure to respond will be taken
7 as consent to the relief herein requested.
8

9 Dated: February 11, 2025
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11 Respectfully submitted,
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A handwritten signature in black ink, appearing to read "Todd R. G. Hill". The signature is written in a cursive style with a large, open loop on the left side.

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14 Todd R. G. Hill
15 Plaintiff, In Propria Persona
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**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFF
TODD R. G. HILL'S MOTION FOR JUDICIAL NOTICE AND SUPPLEMENTATION OF
THE RECORD AT DOCKET #199**

I. INTRODUCTION

Plaintiff Todd R. G. Hill, appearing pro se, respectfully submits this Memorandum of Points and Authorities in support of his Motion for Judicial Notice pursuant to Federal Rule of Evidence 201(b) and Local Rule 7-12. This motion seeks judicial notice of certain uncontested and publicly available facts that are critical for the just resolution of ongoing litigation. As Defendants have failed to oppose this motion, their non-response should be construed as consent to the granting of the relief requested herein.

Specifically, Plaintiff requests the Court to take judicial notice of the following uncontested facts, which are critical for the just resolution of this litigation:

- A. The dates and contents of key filings and correspondences, as detailed in the attached exhibits.
- B. Public records and statements from official proceedings that directly relate to the claims and defenses in this case.
- C. Any other material facts presented in Docket 199 that are capable of accurate and ready determination from sources whose accuracy cannot reasonably be questioned.

II. LEGAL STANDARD FOR JUDICIAL NOTICE

Under Federal Rule of Evidence 201(b), this Court must take judicial notice of a fact that is not subject to reasonable dispute because it: (1) is generally known within the trial court's territorial jurisdiction; or (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned. Judicial notice is appropriate when the facts are matters of public record or

1 are generally accepted as true within the community.
2

3 **III. ARGUMENT**

4 **A. LEGAL STANDARD AND PRECEDENT FOR JUDICIAL NOTICE**

5 Judicial notice is a tool that allows courts to accept certain facts without requiring formal
6 proof. It is appropriate for facts that are either generally known within the territorial jurisdiction of
7 the trial court or can be accurately and readily determined by reliable sources. Federal Rule of
8 Evidence 201 explicitly provides this mechanism, ensuring judicial efficiency and accuracy in the
9 fact-finding process.

10 Moreover, the absence of any opposition by Defendants not only underscores the
11 uncontroversial nature of the facts presented but should also be interpreted as tacit consent to their
12 accuracy and relevancy. This interpretation aligns with judicial precedents where unchallenged
13 assertions in procedural contexts are accepted as agreeable to all parties involved. Such consent,
14 especially in the context of judicial notice, simplifies the proceedings and serves the interests of
15 judicial economy.

16 1. *Rivas v. Cnty. of Orange*, 8:22-cv-01586-JWH-ADS, (C.D. Cal. Apr. 14, 2023) illustrates details
17 the application of this rule:

18 “ Rule 201 permits judicial notice of facts that are “not subject to
19 reasonable dispute” because they “can be accurately and readily
20 determined from sources whose accuracy cannot reasonably be
21 questioned.” Fed.R.Evid. 201(b). Such facts include “matters of public
22 record.” *Intri-Plex Techs., Inc. v. Crest Grp., Inc.*, 499 F.3d 1048,
23 1052 (9th Cir. 2007). “The court may judicially notice a fact that is not
24 subject to reasonable dispute because it . . . can be accurately and
25 readily determined from sources whose accuracy cannot reasonably be
26 questioned.” Fed.R.Evid. 201(b)(c). In the Ninth Circuit, “court filings
27 and other matters of public record” are sources whose accuracy cannot
28 reasonably be questioned for the purposes of Rule 201. *Reyn's Pasta
Bella, LLC v. Visa USA, Inc.*, 442 F.3d 741, 746 n. 6 (9th Cir. 2006).
“The court . . . must take judicial notice if a party requests it and the
court is supplied with the necessary
information.” Fed.R.Evid. 201(c)(2). The Ninth Circuit also applies the
“incorporation by reference” doctrine. *See Knievel v. ESPN*, 393 F.3d
1068, 1076 (9th Cir. 2005). Under that doctrine, a court may “take into

1 account documents whose contents are alleged in a complaint and
2 whose authenticity no party questions, but which are not physically
3 attached to the [plaintiff's] pleading." *Id.*")

4 *2. Bryant v. Carleson*, 444 F.2d 353, 357 (9th Cir. 1971) (court took judicial notice of proceedings
5 and filings in other courts, including a decision of the California Supreme Court issued while the
6 parties' appeal in the federal case was pending); *Anderson v. Henton*, 399 F. App'x 280, 281 (9th Cir.
7 2010) (unpublished) (taking judicial notice of state court records). The Ninth Circuit has affirmed the
8 use of judicial notice for government records and data, and the requested materials fall squarely
9 within this established precedent. *Bryant*, 444 F.2d at 357.

10
11 Movant requests the court take judicial notice of the following facts, which are capable of
12 accurate and ready determination by resort to sources whose accuracy cannot reasonably be
13 questioned. *See* Fed. R. Evid. 201(b). Specifically, Movant has requested judicial notice of relevant
14 state legislative records and California State Bar regulatory records obtained through a California
15 Public Records Act (CPRA) request included in the relevant Docket No. 199. These materials, as
16 public records and official publications of governmental entities, are appropriate subjects for judicial
17 notice.
18

19
20 **B. UNOPPOSED MOTIONS AND THE PRESUMPTION OF CORRECTNESS**
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23 An unopposed motion is generally presumed to be meritorious in the absence of any argument
24 to the contrary. This presumption is grounded in the principle that silence or non-response by the
25 opposing party may imply consent or acknowledgment of the motion's validity.
26

27
28 **1. The Legal Basis for Presuming an Unopposed Motion is Meritorious**

1 An unopposed motion is generally presumed to be meritorious in the absence of a substantive
2 challenge. This presumption is rooted in the fundamental principles of judicial efficiency and
3 procedural fairness, which dictate that courts should not needlessly delay rulings when one party has
4 had an opportunity to contest a motion but has chosen not to do so.

5
6 Generally, Federal Rule of Civil Procedure 7(b)(1) requires that motions must “state with
7 particularity the grounds for seeking the order.” When a party fails to oppose a properly noticed
8 motion, courts may treat the absence of opposition as a concession to the motion’s validity. Here,
9 because Defendant Spiro’s response facially lacks substantive legal argument.

10
11 Courts generally consider a party’s failure to respond as acquiescence or a tacit
12 acknowledgment that the moving party’s arguments are correct. This principle has been upheld in
13 multiple circuits, with courts recognizing that unopposed motions should be granted absent a
14 compelling reason to the contrary.

15
16 **2. All Parties Have Either Conceded to The Motion’s Validity or Have Otherwise Acquiesced
17 Through Their Non-Engagement**

18
19 Given the insufficiency of Defendant Spiro’s opposition, which fails to meaningfully rebut the
20 legal standard for judicial notice, and the complete failure of the remaining defendants to oppose, all
21 parties have either conceded to the motion’s validity or have otherwise acquiesced through their non-
22 engagement.

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24 **IV. CONCLUSION**

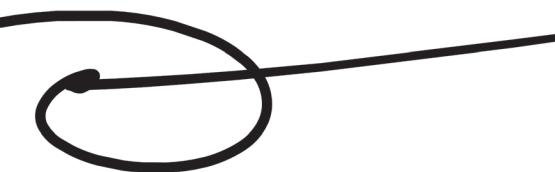
25
26 Given the legal standards and precedents set by cases such as *Rivas v. Cnty. of Orange* and
27 *Bryant*, and considering the unopposed nature of this motion, Plaintiff Todd R. G. Hill respectfully

1 requests that the Court grant his Motion for Judicial Notice and Supplementation of the Record at
2 Docket 199. This will promote judicial efficiency by recognizing facts that are critical to the
3 resolution of this case and are not subject to reasonable dispute.
4

5 While this motion stands unopposed, the merits of the request for judicial notice are founded
6 not only on the absence of dispute by the opposing party but also on the inherent verifiability and
7 public accessibility of the facts involved. This Court's acknowledgment of these facts through
8 judicial notice would not only streamline the trial process but also ensure that adjudication is based
9 on a fully informed understanding of the uncontroversial and publicly acknowledged aspects of the
10 case.
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13 Granting this motion will not only streamline the proceedings by eliminating the need for
14 evidentiary disputes over these facts but will also ensure that the litigation proceeds on a foundation
15 that reflects the true, uncontested context of the case.
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18 Dated: February 11, 2025
19 Respectfully submitted,
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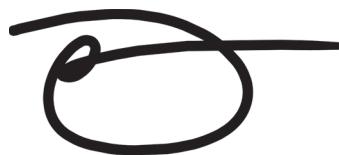


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22 Todd R. G. Hill
23 Plaintiff, In Propria Persona
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26 STATEMENT OF COMPLIANCE WITH LOCAL RULE 11-6.1 27

28 The undersigned party certifies that this brief contains 1,619 words, which complies with the 7,000-word limit of L.R. 11-6.1.

1 Respectfully submitted,
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5 February 11, 2025
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7 Todd R.G. Hill
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9 Plaintiff, in Propria Persona
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Plaintiff's Proof of Service

11 This section confirms that all necessary documents will be properly served pursuant to L.R. 5-
12
13 3.2.1
14 Service. This document will be/has been electronically filed. The electronic filing of a
15 document causes a "Notice of Electronic Filing" ("NEF") to be automatically generated by the
16 CM/ECF System and sent by e-mail to: (1) all attorneys who have appeared in the case in this Court
17 and (2) all pro se parties who have been granted leave to file documents electronically in the case
18 pursuant to L.R. 5-4.1.1 or who have appeared in the case and are registered to receive service
19 through the CM/ECF System pursuant to L.R. 5-3.2.2. Unless service is governed by Fed. R. Civ. P.
20 4 or L.R. 79-5.3, service with this electronic NEF will constitute service pursuant to the Federal
21 Rules of Civil Procedure, and the NEF itself will constitute proof of service for individuals so served.
22
23 Respectfully submitted,
24



25 February 11, 2025
26

27 Todd R.G. Hill
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- 10 -

**PLAINTIFF'S MOTION FOR GRANTING PREVIOUSLY FILED REQUEST FOR JUDICIAL NOTICE
(DOCKET 199) AND SUPPLEMENTATION OF THE RECORD UNDER FRE 201**
CASE 2:23-CV-01298-CV-BFM

1 Plaintiff, in Propria Persona
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1 Todd R. G. Hill
2 119 Vine Street
3 Belton, TX 76513
4 +1 [661] 899-8899
5 toddryangregoryhill@gmail.com
6 *In Propria Persona*

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8 **UNITED STATES DISTRICT COURT FOR**
THE CENTRAL DISTRICT OF CALIFORNIA

9 **WESTERN DIVISION**

10
11 **TODD R. G. HILL, et al.,**

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13 **Plaintiffs**

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15 **vs.**

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17 **THE BOARD OF DIRECTORS,**
18 **OFFICERS AND AGENTS AND**
19 **INDIVIDUALS OF THE PEOPLES**
20 **COLLEGE OF LAW, et al.,**

21
22 **Defendants.**

23 CIVIL ACTION NO. 2:23-cv-01298-CV-BFM

24
25 **The Hon. Cynthia Valenzuela**
Courtroom 5D, 5th Floor

26
27 **Magistrate Judge Brianna Fuller Mircheff**
Courtroom 780, 7th Floor

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29 **[Proposed] ORDER RE PLAINTIFF'S**
NOTICE OF MOTION AND MOTION FOR
GRANTING PREVIOUSLY FILED
REQUEST FOR JUDICIAL NOTICE
(DOCKET 199) AND SUPPLEMENTING
THE RECORD UNDER FRE 201.

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31 **NO ORAL ARGUMENT REQUESTED**

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ORDER

Upon consideration of Plaintiff Todd R. G. Hill's Motion for Granting Previously Filed Request for Judicial Notice (Docket 197) and for Supplementing the Record under Federal Rule of Evidence 201, and upon review of the accompanying Memorandum of Points and Authorities and the pleadings and papers on file, and it appearing to the Court that the motion is well-taken and there being no opposition thereto;

It is hereby ORDERED that:

1. The Plaintiff's Request for Judicial Notice as detailed in Docket 197 is GRANTED in full. The Court recognizes the specified facts as accurate and readily determinable from sources whose accuracy cannot reasonably be questioned, thereby becoming a part of the record without further dispute.
2. The Court further GRANTS the motion to supplement the record under Federal Rule of Evidence 201, allowing the inclusion of the additional documents and facts as judicially noticeable material, as set forth in the Plaintiff's motion.
3. The Court finds no necessity for oral argument as the issues are satisfactorily presented in the papers filed and the motion stands unopposed.
4. Any other relief not specifically addressed herein but included within the bounds of Plaintiff's motion is also GRANTED as deemed just and appropriate by the Court to ensure the fair and efficient conduct of this proceeding.

1 Done this __ day of __, 20XX, at [Location].
2

3 [Judge's signature]

4 [Judge's Printed Name]

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6 United States District Judge
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